

RECEIVED
CENTRAL FAX CENTER

JUL 14 2006

- 5 -

Remarks

The present response is to the Office Action mailed the above-referenced case on April 18, 2006. Claims 1-12 are standing for examination. Claims 1-5, and 7-12 are rejected under 35 U.S.C. 102 as being anticipated by Haigh (US 456,257). Claims 1-4, 6, 7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljungberg (2,062,519) in view of Condon (5,307,841) or Turnwald (6,607,087) hereinafter Turnwald.

In response to the Examiner's rejections and statements, applicant herein amends the independent claims to positively recite that the elastic enclosure fits over at least half the length of the screw stem body.

Regarding the 102 rejection relying upon the reference of Haigh, the Examiner presents limitations of applicant's independent claims while ignoring the functional portion of applicant's claims.

Applicant argues that Haigh teaches a rigid enclosure made of wood, which must be specifically sized to different bottles. Haigh was patented in 1891 which limits available materials or obvious motivations. Haigh fails to teach an elastic enclosure as claimed.

Applicant's newly amended claims recite that the elastic enclosure is fitted over at least half the length of the screw stem body including the tapered head, such that the screw stem body is separated by the elastic enclosure from any contents of the vessel to be sealed. The Examiner presents the art of Ljungberg which teaches a testing plug for industrial pipe assemblies. Ljungberg clearly fails to teach said limitation. Ljungberg also fails to or suggest said limitation because there would be no motivation for one with skill in the art to look at an apparatus for plugging and testing an industrial pipe with the need to separate by the elastic enclosure from any contents of the vessel to be sealed. Additionally, industrial pipe of Ljungberg cannot read on applicant's vessel as claimed. Vessels are enclosed bodies as known in the art. Condon also teaches a test plug for industrial pipe.

- 6 -

Applicant additionally argues that Turnwald clearly fails to teach the elastic enclosure is fitted over at least half the length of the screw stem body including the tapered head, such that the screw stem body is separated by the elastic enclosure from any contents of the vessel to be sealed, as seen in Fig. 1 of Turnwald.

Applicant believes that claims 1 and 9, as amended and argued are easily patentable over the art provided by the Examiner. Claims 2-8 and 10-12 are patentable on their own merits, or at least as depending from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Vinit Chantalat

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457